

Provisional Law No. (44) for 2002

Law of Agriculture

Plant Production

Article (12)

One- The Minister shall issue the directives required to organize plant production in a manner that secures efficiency of production and conservation of the agricultural resources and the environment including:

- 1- Specifying methods of agricultural land use in order to protect the soil and prevent its erosion.
- 2- Setting dates for plantation and harvesting of crops and for removal of their remnants, as well as the techniques used therefor.
- 3- Specifying the percentages of the area that the holder is allowed to plant with each crop from the total area of the lands or greenhouses he holds.

Two- The Minister shall have the right to exclude, for technical, economic, supply or scientific considerations, any party or person from the directives stated in Paragraph (a) of this Article.

Three- Any one who violates the directives issued pursuant to the provisions of Paragraph (a) of this Article shall be penalized with a fine of no less than (fifty JD), but not exceeding (one hundred JD), for each dunum or fraction thereof.

Article (13)

One- The genetic resources of plants and animals shall not be sent outside the Kingdom except upon a prior permit. And the Minister shall issue a resolution, for this purpose, specifying the genetic resources covered by the provisions of this Article.

Two- Any person or party that sends out, or attempts to send out, plant or animal genetic resources from the Kingdom without a permit shall be penalized with a fine of no less than (one hundred JD), but not exceeding (one thousand JD). In addition, the seized materials shall be confiscated.

Article (14)

One- The holder of land, regardless of its area, location or nature of utilization, may not plant fruit or forest trees on the borders of the land he holds if these trees may cause a damage to his neighbors.

Two- While observing the provisions of Paragraph (a) of this Article, the distances and dimensions relevant to the plantation of each kind of fruit or forest trees on the borders of the holding shall be specified according to directives issued by the Minister.

Three- Any one who violates the provisions of Paragraph (a) of this Article, or the directives issued pursuant to the provisions of Paragraph (b) thereof, shall be committed,

in case of a complaint made by the injured person, to remove the violation and pay for the damage he caused to the properties of others. The value of the damage shall be assessed by a committee that shall be formed by the administrative governor and shall include an agricultural engineer from the relevant Directorate of Agriculture.

Article (15)

- One-** The Ministry shall identify the appropriate irrigation systems at the farm level.
- Two-** The Ministry shall participate with the concerned parties in regulating the demand for irrigation water and improving its management.
- Three-** The Minister shall issue the directives that specify the conditions for use of waste, treated, saline and brackish water in irrigating plant crops. In these directives, he shall specify the kinds of crops that may be irrigated and with which kind of this water.
- Four-** It is prohibited to use wastewater or treated water for washing plants and plant products. Any one who does this shall be penalized with a fine of (one hundred JD) for each ton or fraction thereof that has been washed with such water. Furthermore, the violator shall be committed to destroy these plants and products as stipulated in this Article.
- Five-** Any one who uses the waste water or treated water in irrigating plant crops in violation of the directives issued pursuant to Paragraph (c) of this Article shall be penalized with a fine of (fifty JD) for each dunum, or fraction thereof, that has been irrigated with such water. In addition, the violator shall be committed to remove the planted crops and destroy them under the supervision of the Ministry's cadres. In case he refrains or be reluctant to do so, the administrative governor shall command their destruction at the expense of the holder and under the supervision of the Ministry's cadres.

Article (16)

- One-** Olive presses may not be established or operated except upon a license from the Ministry and according to directives issued by the Minister wherein he specifies the technical and health conditions for their licensing, operation dates, the registers to be kept by the owner and the information he is committed to provide.
- Two-** Any one who violates the directives issued pursuant to Paragraph (a) of this Article shall be penalized with a fine of no less than (five hundred JD, but not exceeding (one thousand JD). In case the violation is repeated, the fine shall be doubled; and if further violation occurs, the violator shall be penalized by closing down the press for a period of one month in addition to doubling the fine.

Article (17)

- One-** It shall be prohibited to plant any one of the plant crop varieties that are subject to the conditions of registration if not registered according to the directives issued pursuant to Paragraph (b) of this Article.

Two- The Minister shall issue the directives that organize the procedures for registration of plant crop varieties, and the conditions and requirements thereof. For this purpose, the Minister shall form a committee and specify in the formation resolution its tasks and method of operation, as well as the crops that shall be registered.

Three- Any one who violates the provisions of Paragraph (a), or the directives issued pursuant to the provisions of Paragraph (b) of this Article, shall be penalized with a fine of as twice as the price of the seeds used in planting the crop. The quantity and price of these seeds shall be assessed by a committee that shall be formed by the Minister for this purpose. Furthermore, the crop shall be destroyed under supervision of the Ministry's cadres against an indemnity paid by the seller of these seeds to the holder as decided by the Ministry.

Seeds

Article (18)

One- It shall be prohibited to produce, propagate, prepare, circulate or trade in, seeds unless they are registered according to the provisions of Paragraph (b) of this Article.

Two- While observing the provisions of Articles (6), (8) and (9) of this Law, the Minister shall issue the directives related to the following:-

- 1- Kinds of seeds that shall be registered for the purposes of permitting their use in the Kingdom, along with the conditions and procedures related thereto.
- 2- Conditions for licensing for production, propagation, preparation, storage, circulation, trading in and advertising of seeds.
- 3- Conditions for import of seeds.
- 4- Methods for analysis, testing and examination of seeds.

Three- It shall be prohibited to enter the seeds into the Kingdom for commercial purposes or for special uses. They may not be custom-cleared, but shall be re-exported during the period specified by the Minister. Otherwise, they shall be destroyed at the Border center in any of the following cases:

- 1- If not registered according to the directives issued pursuant to Paragraph (b) of this Article.
- 2- If registered in the Kingdom but found to be not allowed for use in the country of origin, or if a health or environmental reason that prevents their entry or use has emerged.
- 3- If registered but the tests carried out revealed that they are not in compliance with the relevant technical rules, except if their characteristics are scientifically superior to the characteristics specified in the adopted technical rules.
- 4- If the data indicated on their packages or labels contradict the data adopted upon their registration.

Four- Samples that are allowed by the directives to be entered for scientific experimentation and research or for registration purposes shall be excluded from the provisions of Paragraph (c) of this Article.

Five- Seeds shall be registered through a committee that is formed by the Minister for this purpose. The Committee shall study the registration applications and submit its conclusions to the Minister to make his decision thereon.

- Six-** 1- Any one who enters non-registered seeds that must be registered into the Kingdom shall be penalized with a fine of (one hundred JD) for each kilogram or fraction thereof, and the seized quantity shall be confiscated.
- 2- Any one who produces, propagates or prepares, for commercial purposes, non-registered seeds that must be registered, or without a license, shall be penalized with a fine of (five hundred JD), and the seized quantity shall be confiscated.
- 3- Any one who trades in seeds without a license shall be penalized with a fine of (one hundred JD), and the venue of trading shall be closed down until the violation is corrected.
- 4- Any one who trades in non-registered seeds that must be registered in the Kingdom according to the provisions of this Law shall be penalized with a fine of (one hundred JD), and the violating seeds shall be destroyed.
- 5- Any one who produces, prepares, trades in, sells, displays for sale or advertises seeds that violate the technical rules adopted in their registration decision, or puts on their packages data that deviate from the accredited data, shall be penalized with a fine of (one hundred JD). And the violating quantities shall be confiscated. However, if the violation is a shortage in weight, the quantity will not be confiscated.

Article (19)

One- 1- The Minister shall issue the directives that regulate the production of fruit, forest and range tree seedlings, as well as the medicinal and aromatic herb, vegetable, cut flower and ornamental plant transplants, along with the requirements for licensing of production nurseries and trading and circulation venues thereof.

2- No seedlings or transplants shall be permitted into the Kingdom unless they fulfill the adopted sanitary and phytosanitary measures and technical rules. These must be re-exported during the period specified by the Minister, or be destroyed at the Border's center at the expense of the importer with no indemnity.

Two- 1- Any one who produces seedlings or transplants for commercial purposes without a license shall be penalized with a fine of (five hundred JD), and the produced seedlings or transplants shall be confiscated and the production venue shall be closed down.

2- Any one who produces, trades in, or displays for sale, seedlings or transplants that do not meet the technical rules and the sanitary and phytosanitary measures shall be penalized with a fine of (two JD) for each seedling and (two hundred Fils) for each transplant. Furthermore, the violating seedlings or transplants shall be destroyed at the expense of the violator with no indemnity.

3- Any one who sells, or displays for sale, seedlings or transplants or decoration plants at venues that are not licensed shall be penalized with a fine of (one hundred JD) and closing down the venue until correcting the violation. However, if the sale or the display for sale has been done in mobile vehicles, the seller shall be penalized with a fine of (one hundred JD), and the violating seedlings or transplants shall be confiscated.

2- Any one who refrains from, or hesitates in, using the registers and records specified by the Ministry for writing down the basic information about the seedlings and transplants that exist at his nursery, or uses these registers in a manner that violates the directives, shall be penalized with a fine of (one hundred JD). In case the violation is repeated, the fine shall be doubled, and the license of the nursery shall be cancelled and shall not be renewed except upon a new request.

Fertilizers and Plant Growth Regulators

Article (20)

One- It shall be prohibited to produce, prepare, circulate, or trade in, fertilizers or plant growth regulators for the purpose of using them in the Kingdom without a license from and registration at the Ministry.

Two- It shall be prohibited to enter fertilizers or plant growth regulators to the Kingdom for commercial purposes or for private use. They shall not be permitted to be custom-released, but shall be re-exported during the period specified by the Minister or be destroyed at the borders' center in any of the following cases:

- 1- If not registered according to the directives issued pursuant to Paragraph (d) of this Article.
- 2- If registered in the Kingdom but found to be not allowed for use at the country of origin, or a health or environmental reason that prevents their entry or use has emerged.
- 3- If registered but the tests carried out revealed that they do not comply with the relevant technical rules, except if their characteristics are scientifically superior to those specified in the adopted technical rules.
- 4- If the data provided on their packages or labels deviate from the data adopted upon their registration.

Three- Samples that are permitted according to the directives to be entered for scientific experimentation and research or for registration purposes shall be excluded from the provisions of Paragraph (b) of this Article.

Four- While observing the provisions of Articles (6) and (8) of this Law, the Minister shall issue the directives related to:

- 1- Conditions for registration of fertilizers and plant growth regulators, and procedures thereof.
- 2- Conditions for licensing for production, preparation, storage, circulation, trade in and advertising of fertilizers and plant growth regulators.
- 3- Conditions for import of fertilizers and plant growth regulators.
- 4- Methods for analysis, testing and examination of fertilizers and plant growth regulators.

Five- Fertilizers and plant growth regulators shall be registered through a committee formed by the Minister for this purpose. The Committee shall study the registration applications and submit its conclusions to the Minister to make his decision thereon.

Six- 1-Any one who enters non-registered fertilizers or plant growth regulators into the Kingdom shall be penalized with a fine of (five JD) for each kilogram or fraction thereof, and the seized quantity shall be confiscated.

- 2- Any one who produces or prepares in the Kingdom fertilizers or plant growth regulators that are not registered or without a license shall be penalized with a fine of (five hundred JD). And the produced or prepared quantities shall be confiscated and the production or preparation venue shall be closed down until correction of the violation.
- 3- Any one who trades in non-registered fertilizers or plant growth regulators shall be penalized with a fine of (five hundred JD), and the violating quantities shall be confiscated.

- 4- Any one who trades in fertilizers or plant growth regulators without a license shall be penalized with fine of (one hundred JD), and the trading venue shall be closed down until the violation has been corrected.
- 5- Any one who produces fertilizers or plant growth regulators the characteristics of which violate the technical rules adopted in their registration decision, or prepares, trades in, sells, displays for sale or advertises such materials, or put on their containers data that deviate from the accredited data, shall be penalized with a fine of (five hundred JD). And the violating quantities shall be confiscated. However, the confiscation shall not apply if the violation is just a shortage in weight.

Pesticides

Article (21)

One- It shall be prohibited to produce, prepare, circulate, or trade in, pesticides for purposes of using them in the Kingdom without licensing by and registration at the Ministry.

Two- It shall be prohibited to enter pesticides into the Kingdom for commercial purposes or for private use. Furthermore, it shall not be permitted to custom-clear them, but they shall be re-exported during the period specified by the Minister in any of the following cases:

- 1- If not registered according to directives issued pursuant to Paragraph (d) of this Article.
- 2- If registered in the Kingdom but found to be not permitted for use in the country of origin, or if any health or environmental reason that prevents their entry or use has emerged.
- 3- If registered but the results of the tests carried out revealed that they do not comply with the relevant technical rules, except if their characteristics are scientifically superior to those specified in the adopted technical rules.
- 4- If the data provided on their packages or labels deviate from the data adopted at their registration.

Three- Samples that the directives allow their entry for scientific experimentation or research or for registration purposes shall be excluded from the provisions of Paragraph (b) of this Article.

Four- While observing the provisions of Articles (6) and (8) of this Law, the Minister shall issue directives related to:

- 1- Conditions for registration of pesticides, and the procedures related thereto.
- 2- Conditions for licensing for production of pesticides, their preparation, storage, circulation, trading in and advertising.
- 3- Conditions for import of pesticides.
- 4- Methods for analysis, testing and examination of pesticides.

Five- Pesticides shall be registered through a committee that shall be formed by the Minister for this purpose. The Committee shall study the registration applications and submit its conclusions to the Minister to make his decision thereon.

Six- 1- Any one who enters into the Kingdom non-registered pesticides shall be penalized with a fine of (ten JD) for each kilogram or fraction thereof, and the seized quantity shall be confiscated.

- 2- Any one who produces or prepares in the Kingdom pesticides that are not registered or without a license shall be penalized with a fine of (five hundred JD). The produced or prepared quantities shall be confiscated and the production or preparation venue shall be closed down until the violation has been corrected.
- 3- Any one who trades in pesticides without a license shall be penalized with a fine of (one hundred JD), and the trading venue shall be closed down until the violation has been corrected.
- 4- Any one who trades in pesticides that are not registered in the Kingdom shall be penalized with a fine of (five hundred JD), and the violating pesticides shall be destroyed.
- 5- Any one who produces pesticides the characteristics of which do not comply with the technical rules adopted in their registration decision, or prepares, trades in, sells, displays for sale, or advertises such pesticides, or provides data on their packages that deviate from the accredited data, shall be penalized with a fine of (five hundred JD). And the violating quantities shall be confiscated unless the violation is that of weight shortage.

Control of Plant Pests and Plant Quarantine

Article (22)

While observing the provisions of Articles (6) and (8) of this Law:

One- The Minister shall issue directives specifying the procedures and measures required to prevent the spread and control of plant pests and diseases, including the following:

- 1- Sanitary conditions for plants and plant products that are permitted for circulation or trading in inside the Kingdom.
- 2- Procedures for the prevention and control of epidemic pests and diseases including integrated pest management techniques, and the tools and the chemical and biological materials to be used as well as their safe use conditions.
- 3- Methods of treating the plants and plant products that are infected with pests or diseases.
- 4- The cases in which it shall be decided to destroy the infected plants and the cases that require indemnity for the plants to be destroyed.
- 5- Conditions for transportation or transit of plants or other materials that may transmit a pest or an epidemic disease from one area to another.
- 6- Methods and procedures for control of desert locust as well as the organization of other official and civil parties' contribution to the control process. This also includes acquisition of the private sector's machines, tools, chemical materials and transportation means when required against payment of their fees or price.
- 7- Declaring the Kingdom, or any territories thereof, as being free from any plant pest, disease or epidemic; or declaring any region where the incidence of these pests or diseases is low, and taking the measures that assure maintenance of this status.

Two- In case a pest or disease that constitutes a threat to the plants erupts in the Kingdom, the Minister shall announce the existence of this pest or disease and the infested or infected area to the public and other concerned parties. He shall also issue decisions to take the appropriate measures according to directives issued pursuant to the provisions of Paragraph (a) of this Article.

Article (23)

One- While observing the provisions of Articles (6), (8) and (9) of this Law, it shall be prohibited to enter plants or plant products into the Kingdom in any of the cases indicated

hereunder. Such plants or plant products shall be re-exported during the period specified by the Minister, or be destroyed under the supervision of the Ministry cadres at the expense of the violator:

- 1- If they are infected or contaminated with pests or diseases not existing in the Kingdom; or are infected or contaminated with pests or diseases existing in the Kingdom but their entry would increase the threat to the local plants.
- 2- If they contain soils or are planted in containers that contain soil.

Two- Any one who enters into the Kingdom plants or plant products the entry of which is prohibited according to the provisions of Paragraph (a) of this Article shall be penalized with imprisonment for a period of three months and a fine of (two hundred JD) for each ton or fraction thereof. And the seized materials shall be destroyed under the supervision of the Ministry cadres and at the expense of the violator.

Article (24)

One- It shall be prohibited to trade in plants or plant products in any of the following cases:

- 1- If they carry a pest or a disease the transmission of which constitutes a threat to the plants.
- 2- If they carry a pest or a disease that exists in the Kingdom but the trading in such products would increase the opportunities for transmission of the pest or disease to other plants or areas.
- 3- If they are infected with a pest or disease that is not pre-existent in the Kingdom.
- 4- If their characteristics violate the adopted technical rules.

Two- Any one who violates the provisions of Clauses (1), (2) or (3) of Paragraph (a) of this Article shall be penalized with a fine of (one hundred JD) for each ton or fraction thereof. And the violating materials shall be confiscated and destroyed.

Three- Any one who violates the provisions of Clause (4) of Paragraph (a) of this Article shall be penalized with a fine as twice as the value of the violating materials that have been seized.

Four- The violating materials in the cases stipulated in Paragraph (b) of this Article shall be destroyed under the supervision of the cadres of the Ministry at the expense of the violator.

Article (25)

The Council of Ministers may, upon the Minister's recommendation that is based upon a recommendation by the competent Minister, and in case of necessity, in order to secure adequate supplies to the Kingdom, allow entry of plant products that are imported for supply purposes and but are infected with pests that exist in the Kingdom if it was possible to apply the necessary means to rid off the pests therein without causing harm to the public health, lands, or plants and provided that they are entered and treated under the supervision of the Ministry's cadres at the responsibility of the importer, who shall bear the expenses of treatment as specified by the Minister.

Article (26)

One- While observing the provisions of Articles (6), (8) and (9) of this Law, the Minister shall issue the directives that organize the plant quarantine procedures including:

- 1- Specify work procedures at the plant quarantine centers, and procedures for testing of imported and exported plants and plant products, as well as the methods employed therefor.

- 2- Specify the countries from which the import of plants and plant products is prohibited for health or environmental reasons, until these reasons no longer exist.
- 3- Specify the conditions and procedures that organize the transit of plant and plant product consignments through the Kingdom territories (Transit).
- 4- Specify the procedures and means related to the treatment of imported plants and plant products that are infected with pests or diseases that exist in the Kingdom, as well as the treatment expenses.

Two- It shall be prohibited to enter the imported plants or plant products into the Kingdom except after completion of the plant quarantine procedures. The Minister may exclude from the quarantine process the plants or plant products the exporting country of which, or specific territories thereof, and the countries they pass through are clearly proven to be free from the pests and diseases that do not exist in the Kingdom. The Minister may also exclude from quarantine specific plants or plant products that are imported from any country the Kingdom acknowledges that its sanitary and phytosanitary measures are equal to those of the Kingdom according to mutual acknowledgement agreement.